

REMARKS

Claims 1-28 are pending in the present Application. Claims 24-28 were added as part of the Amendment filed with the Request for Continued Examination on April 9, 2004. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-28 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection.

In making the rejection the Examiner has asserted that parameters X, Y, and Z, as described on pages 10 – 12 of the specification, appear to be critical to the practice of the invention. Further the Examiner notes that not all of these parameters are present in the claims. Paragraph [0033] explains that different kinetic expressions may be used for different process and apparatus types. Paragraph [0033] goes on to explain that in a batch process at least about 50% of the methyl chloroformate can be removed by maintaining the mixture under a set of conditions as described by equation (5). The conditions can be determined using equation (5) by setting X to less than about 0.9. Equation (8) is a different equation for determining/describing conditions for removing alkyl chloroformate using a batch reactor. Equation (10) describes yet another set of conditions but as taught in Paragraph [0037] it is a preferred embodiments where the conditions are such that the value of equation (9) is less than about 0.9 and the value of equation (10) is at least about 0.9. Thus it is clear to the skilled artisan that these equations facilitate understanding the best mode of the invention by a skilled artisan. Applicants respectfully assert that Applicants had possession of the invention as claimed and should not be limited by the detailed description of the specification.

The Examiner has further asserted that the claims are not enabling for “all water concentrations, all methanol concentrations, and all residence times. Applicants respectfully assert that the claims are enabling for what is within the scope of the equations. For example,

in Claim 1 X is required to have a value of less than about 0.9. Further, the water concentration, methanol concentration and time must all be positive numbers. Additionally, temperature is, as a practical matter, given the Kelvin temperature scale and has a positive value. Applicants believe that the mixture conditions, as expressed in the claims, are fully described and explained. The claims would be readily understood by the skilled artisan and are fully enabled.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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